

Applicant respectfully requests reconsideration and withdrawal of the rejections and objections to the claims of this case, in light of the foregoing amendments and following remarks.

### **REMARKS**

#### **A. Status of the Claims and Explanation of the Amendments**

In the Office Action dated September 9, 2004, claims 1, 4-5, 7, and 10-11 were rejected under 35 U.S.C. §102(e) for allegedly being anticipated by U.S. Patent No. 6,724,427 to Fredlund ("Fredlund"). Claims 2-3, and 8-9 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fredlund in view of U.S. Patent No. 6,710,809 to Niikawa ("Niikawa"). Claims 6 and 12 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fredlund, in view of U.S. Patent No. 6,661,454 to Hwang ("Hwang"). Claims 13-15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fredlund in view of Niikawa, in further view of U.S. Patent No. 6,011,585 to Anderson ("Anderson").

Of the 15 originally filed claims, Applicant has requested in this paper the cancellation of claims 2-6, 8-12, 14, and 15 without prejudice and only present claims 1, 7, and 13 for examination. Accordingly, the rejection of claims 2-5 and 10-11 under 35 U.S.C. §102(e) as allegedly being anticipated by Fredlund is rendered moot. Similarly, the rejection of claims 2-3, 6, 8-10, 12, 14, and 15 under 35 U.S.C. §103(a) is rendered moot.

The Examiner has objected to claims 13-15 because of an informality. Specifically, the Examiner has requested that the term "display device" be replaced with the term "display". Applicants have amended claim 13 as required by the Examiner.

Applicant has amended claims 1, 7, and 13 to further clarify the invention. For example, claim 1 now recites, inter alia, “an operation member used to select either OFF or ON of said display” and “a setting unit adapted to set either to display or not to display the information on said display.” Support for these amendments to claim 1 is generally found throughout Applicant’s specification. For example, support for “an operation member” is found in Figure 1 as reference numeral 66, as well as in Step S111 (Figure 5B and page 15, line 26 to page 16, line 1.” Support for “a setting unit” is found in Figure 1 as reference 50, as well as in Steps S115, and S148 (Figures 3 and 5B, and corresponding portions of the specification). Applicant also contends that these portions of the specification and Figures that support the amendments to claim 1 also provide support for corresponding method claim 7.

With respect to claim 13, the amendments therein find support at the same places as noted for claims 1 and 7, plus page 24, line 25 to page 25, line 8 of the specification.

Applicant respectfully assert that no new matter has been added by these amendments.

B. Applicant’s Claims 1 and 7 Are Not Anticipated  
or Obvious Over the Cited References

One of the advantages of the present invention is to permit the user of an image sensing apparatus, such as a digital camera, to reduce battery consumption by providing an option to turn off the image display, while still displaying status parameters for a predetermined period (see, e.g., the flow diagram of Figure 3).

Upon review of Fredlund, Applicant feels that Fredlund fails to teach, disclose, or suggest Applicant’s invention. Instead, Fredlund is merely directed to driving a memory display in an image memory card. The Office Action cites col. 2, lines 5-15 of Fredlund, where

Fredlund explains that the invention “permits display of images on the image bearing medium when the high voltage of the display is turned off”. However, nowhere does Fredlund appear to teach, disclose, or suggest

[a]n image sensing apparatus comprising...an operation member...a setting unit...and a controller... wherein said controller controls said display and said power supply so as to set said display ON for a predetermined period, display the information, and set said display OFF after the predetermined period, when said display is set to be OFF by said operation unit and the information is set to be displayed on said display by said setting unit,

as recited in Applicant’s claim 1 or the corresponding method of claim 7. Accordingly, because not all claim elements are taught or suggested, the rejection under 35 U.S.C. §102(e) should be withdrawn. MPEP §2131.

3. Applicant’s Claim 13 Is Not Unpatentable Over Fredlund, Niikawa, and Anderson

Applicant respectfully asserts that the combination of Fredlund, Niikawa, and Anderson does not teach, disclose or suggest all of the claim elements of Applicant’s claim 13.

As noted above, Fredlund fails to teach, disclose, or suggest an “operation member” or a “setting unit” as recited in Applicant’s claim 1. Similarly, Fredlund does not satisfy these elements as recited in Applicant’s claim 13.

Niikawa does not alleviate the deficiencies of Fredlund. Niikawa is directed to battery driven electrical equipment, such as a digital camera, and in particular to selectively powering off various functions of the camera in response to low battery voltage (e.g., powering off the flash (col. 3, lines 18-21); powering off the reproduction functionality (col. 3, lines 1-8)

and powering off the display (col. 3, lines 50-52). Applicant does not see any teaching, disclosure or suggestion in Niikawa of a “setting unit” or “operation member” as recited in Applicant’s claim 13.

The Office Action relies on Anderson for the teaching that “while a preferred embodiment is implemented in software, those skilled in the art would readily recognize that a hardware equivalent implementation would also be acceptable” [Office Action, page 5, lines 17-19]. Anderson, however, fails to teach, disclose, or suggest at least the “first computer readable program code” and the “second computer readable program code” as recited in Applicant’s claim 13.

In summary, because the combination of references fails to teach, disclose, or suggest all of the elements of Applicant’s claims 13-15, the rejection of these claims under 35 U.S.C. §103(a) should be withdrawn.

Reconsideration and withdrawal of the rejection of claims 1, 7, and 13 are respectfully requested.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

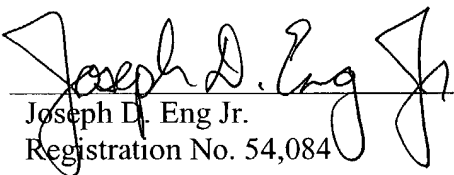
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4694. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4694. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: December 9, 2004

By: \_\_\_\_\_

  
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